

R 2947

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 9574

PERMIT 5404

LICENSE 2947

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND PLACE OF USE

WHEREAS:

1. License 2947 was issued to Donald N. Duvall and was filed with the County Recorder of Napa County on April 1, 1948.
2. License 2947 was subsequently assigned to Franklin F. Offner and Janine Offner.
3. Petitions for change in purpose of use and place of use have been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:


Irrigation, frost protection, stockwatering and recreational

2. The place of use under this license shall be as follows:

5 acres being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 12, T9N, R6W, MDB&M
17 acres being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 12, T9N, R6W, MDB&M
2 acres being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 12, T9N, R6W, MDB&M
17 acres being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 12, T9N, R6W, MDB&M
10 acres being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 12, T9N, R6W, MDB&M
17 acres being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 7, T9N, R5W, MDB&M
3 acres being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 7, T9N, R5W, MDB&M
11.5 acres being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 7, T9N, R5W, MDB&M

82.5 acres Total

Dated: MARCH 3 1981


Walter G. Pettit, Chief
Division of Water Rights

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 9574

PERMIT 5404

LICENSE 2947

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND PLACE OF USE

WHEREAS:

1. License 2947 was issued to Donald N. Duvall and was filed with the County Recorder of Napa County on April 1, 1948.
2. An order allowing change in purpose of use and place of use was granted on March 3, 1981.
3. License 2947 was subsequently assigned to Jerome W. Komes and Flora C. Komes.
4. A petition for change in purpose of use, and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:

Irrigation, Frost Protection, Heat Control, and Recreation.

2. The place of use under this license shall be as follows:
 - 5 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
 - 30 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
 - 5 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
 - 6 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
 - 5 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M

22 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
17 acres within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
20 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
36 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T9N, R6W, MDB&M
3 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7, T9N, R5W, MDB&M
22 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7, T9N, R5W, MDB&M
18 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7, T9N, R5W, MDB&M
189 acres total

Dated: OCTOBER 4 1984

for *L. D. Johnson*
Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE 2947

PERMIT 5404

APPLICATION 2574

THIS IS TO CERTIFY, That **Donald M. Duvall of**
Pope Valley, California *Notice of Assignment (Over)*

has made proof as of **May 4, 1946**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
an unnamed creek in Napa County

tributary to **Pope Creek and thence Putah Creek**

for the purpose of **irrigation use**

under Permit **5404** of the Department of Public Works and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **May 4, 1939;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **one hundred fifty (150)**
acre-feet per annum to be collected from about **November 1** of each year to about
April 30 of the succeeding year.

This license is based on storage collected during the 1944-1945 season and
use thereof.

The point of diversion of such water is located **North forty five degrees, no minutes**
West (N 45° 00' W) one hundred fifty (150) feet from the Southeast corner of the
SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T 9 N, R 6 W, M.D.B. & M., being within the SW $\frac{1}{4}$ of
NE $\frac{1}{4}$ of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows: **45 acres**
as follows:

22 Acres within the SE$\frac{1}{4}$ of NE$\frac{1}{4}$ of Section 12, T 9 N, R 6 W, M.D.B. & M.
4 " " " NE$\frac{1}{4}$ of SE$\frac{1}{4}$ of Section 12, T 9 N, R 6 W, "
9 " " " SW$\frac{1}{4}$ of NW$\frac{1}{4}$ of Section 7, T 9 N, R 6 W, "
10 " " " NW$\frac{1}{4}$ of SW$\frac{1}{4}$ of Section 7, T 9 N, R 6 W, "

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion
herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 27th day of March, 1948

EDWARD HYATT, State Engineer

By A. D. Edmonston
A. D. Edmonston
Assistant State Engineer

4-30-62 RECEIVED NOTICE OF ASSIGNMENT TO Pope Valley Ranches, Inc.

10-5-62 RECEIVED NOTICE OF ASSIGNMENT TO Franklin J. Offner

5/23/66 - Name of Janine Offner added
4-12-82 asgd to Jerome W. & Flora C. Komea

LICENSE 2947

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Donald M. Duvall

DATED March 27, 1948

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